

REMARKS

This application has been reviewed in light of the Office Action dated March 27, 2008. Claims 1-3, 5, 6, 9-12 and 18 are presented for examination, of which Claims 1, 6, 9 and 15 are in independent form. Claims 1, 6 and 15 have been amended to define Applicant's invention more clearly. Favorable reconsideration is requested.

The Examiner rejected Claim 6 under 35 U.S.C. § 112, second paragraph, as being indefinite. That claim has been carefully reviewed and amended as deemed necessary to ensure that it conforms fully to the requirements of Section 112, second paragraph, with special attention to the points raised in the Office Action. It is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

Claims 1, 2, 9 and 10 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 6,434,569 (Toshimitsu et al.) in view of U.S. Patent 5,752,030 (Konno et al.). In addition, Claims 3 and 12 were rejected under Section 103(a) as being obvious from *Toshimitsu* in view of *Konno* and of U.S. Patent Application Publication 2002/0099569 (Thirsk), Claim 5, as being obvious from *Toshimitsu* in view of *Konno*, *Thirsk* and U.S. Patent Application Publication 2003/0055317 (Taniguchi et al.), Claims 6, 15 and 18, as being obvious from *Toshimitsu* in view of *Konno* and U.S. Patent Application Publication 2004/0062421 (Jakubowski et al.), and Claim 11, as being obvious from *Toshimitsu* in view of *Konno* and *Taniguchi*.

Independent Claim 1 is directed to a medical image handling system that comprises a monitor for displaying a medical image, and an input device for inputting an image reading report corresponding to the medical image displayed on the monitor. Also provided is a

processor that is configured to process a control of judging presence or absence of the image reading report corresponding to the medical image displayed on the monitor, and restricting a change of displaying the medical image in a case where the image reading report is judged to be absent.

In an apparatus according to Claim 1, thus, the processor effects processing that results in the apparatus judging presence or absence of an image reading report corresponding to a medical image that is being displayed on the monitor, and restricting the change of displaying the medical image if the image reading report is judged absent.

As noted at page 4 of the Office Action, *Toshimitsu* lacks the processor recited in Claim 1. With regard to that feature, the Examiner cites *Konno*.

Konno relates to a system in which various jobs can be handled in parallel, by multiple processors. Each job is able to specify execution conditions including minimum and maximum numbers of processors to be employed in executing the job, and a requested execution time. *Konno* contemplates a situation in which, while one job is waiting to begin execution, a second job is received. If at this time, the minimum number of processors needed for the first job are still not available, then the *Konno* system employs information about which processors are currently busy, and what they are working on, to make a prediction as to how long it will be before enough processors are idle for the first job to begin execution. Based on this prediction, and on how long the first job has already been waiting, the system decides between two courses of action: (i) starting execution of the newly-received job first, or (ii) continuing to wait for the processors needed for the first job to become available (the foregoing process is illustrated in Fig. 5; also, see col. 5, lines 14-41).

The portion of *Konno* specifically mentioned in the Office Action as being relevant (col. 6, lines 44-61), provides an example in which ten (or possibly more) jobs are awaiting execution (see Fig. 7):

“Though a job J2 requires at least eight processors, such a number of processors are not brought into idle states during the execution of a job J1. Therefore, without waiting for such a number of processors being brought into idle states, subsequent jobs J2, J3, J4 and J5 each requiring at least two processors are successively activated each time two processors become idle. Though a job J6 requires at least four processors, subsequent jobs J7, J8 and J9 each requiring at least two processors are activated without having a wait until four processors become idle. At the point of time when the job 1 is completed, only two processors are idle. Therefore, a leading one J2 of the execution waiting jobs still remains unactivated but the judgement for the next execution waiting job J6 based on the above conditional relations results in that a wait for the completion of the job J7 is taken and the job J6 is activated at the point of time when the job J7 is completed. Thus, the job J6 is activated at the point of time of completion of the job J7.”

Thus, the *Konno* system uses a conditional relation (see col. 5, lines 42-52) to determine the order in which a queue of waiting jobs shall be executed. As a job is completed, the rule can be re-applied to the jobs that are still waiting, so that (for example) if one job has now been waiting an extremely long time it can be given a high priority than it currently has.

In the *Konno* system, therefore, if a new job is registered for execution, two circumstances could possibly prevent it beginning execution at once - if another job is already waiting to begin execution, the newly-registered job may have to wait for that job to be executed, or if there are not enough idle processors for the newly-registered job, then the newly-registered job must wait at least until there are enough processors available.

The Office Action describes *Konno* as disclosing “a conditional relation result that determine whether a job is completed or not and waiting for another job until completion of the

job.” The Office Action also asserts that “it would have been obvious to a person of ordinary skill in the art to restricting change (waiting) of image when report of image is not done” in the *Toshimitsu* system. From these statements, it is understood that the Examiner considers (a) that *Konno* teaches not permitting a new job to start until another job already in progress has been completed, and (b) that that would have led one of ordinary skill to add a feature to the *Toshimitsu* system to prevent changing a display until a report has been entered.

Applicant respectfully disagrees with this analysis for two reasons.

First, if Applicant correctly understands the Examiner’s analysis, Applicant believes that the Examiner has misapprehended what is described in *Konno*: that patent does *not* teach that a new job must wait until an old job is completed. As noted above, the only circumstances in which a newly-registered job *may* have to wait are if another job is already waiting or if the number of idle processors is less than the minimum number needed for the newly-registered job. If neither of those circumstances exists - that is, if the newly-registered job requires no more idle processors than are actually available, and no other job is awaiting execution, or another job is waiting but application of *Konno*’s conditional relation dictates that the newly-registered job should be executed first, then the new job does *not* wait for any of the jobs now being executed, to be completed. Rather, the new job can begin execution at once, even if one or more jobs are currently being executed.

Thus, *Konno* does not in fact teach what the Examiner has cited it for, and the rejection should be withdrawn for that reason.

Secondly, even if *Konno* did disclose that a new job must wait until a previous job is completed, Applicant believes that the rejection would still be improper. *Konno* relates to

determining the sequence in which multiple processing jobs are executed, and aims to do so in a way that improves efficient use of the parallel processors in the *Konno* system. According to the Office Action, one of ordinary skill would have viewed the *Toshimitsu* system as suffering from a problem that a user will leave one job half done (fail to enter a report) and go on to the next anyway. In *Konno*, however, the processors are machines, which will execute the instructions given to them until those instructions have all been executed (barring a power outage or the like). It is not seen that there is any danger of one of those machines stopping one job part-way through and beginning another. Thus, it is not seen how any part of the problem dealt with in *Konno* has any bearing at all on any problems that might exist in a system like that of *Toshimitsu*, and Applicant submits that a person of ordinary skill would in fact have had no reason at all to consider *Konno* as being relevant to any such problem. If that is so, then a proposed modification of *Toshimitsu* based on *Konno* would not have occurred to a person of ordinary skill, and the rejection again should be withdrawn.

Each of the other independent claims contains features sufficiently similar to those of Claim 1 that the foregoing arguments are believed to be applicable to those other claims, as well.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons.

Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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